

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JAMES A. EVANS,	:	Case No. 1:15-cv-161
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
GARTH FRI, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 7)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court, and, on April 28, 2015, submitted a Report and Recommendations. (Doc. 7). No objections were filed.¹

As required by 29 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby **ADOPTED**.

¹ On May 4, 2015, Plaintiff filed an affidavit. (Doc. 11). The Court declines to construe this affidavit as an objection because the affidavit is not responsive to the Report and Recommendations. In fact, it was notarized on December 5, 2014, months prior to the issuance of the Report and Recommendations. (*See* Doc. 11 at 2).

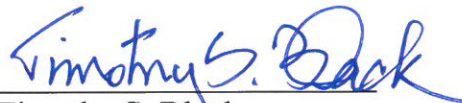
Accordingly, for the foregoing reasons:

1. The following causes of action alleged in the complaint are **DISMISSED**, on the ground that Plaintiff has failed to state a claim upon which relief may be granted by this Court: (1) Plaintiff's claims against all Defendants in their official capacities; (2) Plaintiff's claims against Defendant Morgan; and (3) Plaintiff's conspiracy claims against all Defendants.

IT IS SO ORDERED.

Date:

5/18/15



Timothy S. Black
United States District Judge